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JUL 27 2020

RICK WARREN
COURT CLERK

IN THE DISTRICT COURT WITHIN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

JOSE MEJIA LOPEZ,

Plaintiff,

v.

R&R EXPRESS, INC.; EDWARD DANIEL DAVIS;
AND AMERICAN HALLMARK INSURANCE
COMPANY,

Defendants.

Case No. CJ-2020-2664
Judge: Aletia Haynes Timmons

COMBINED ANSWER OF

R&R EXPRESS, INC.; AND EDWARD DANIEL DAVIS

COME now the Defendants R&R Express, Inc., and Edward Daniel Davis answers Plaintiff's Petition in numerical sequence as follows;

1. Defendants admit the date, time and location of the accident at issue contained in Paragraph No. 1 of the Plaintiff's Petition, but deny negligence on the part of Defendant Davis.
2. Defendants deny the allegations contained in Paragraph No. 2 of the Plaintiff's Petition.
3. Defendants deny negligence. Defendants are without sufficient information to either admit or deny the balance of the allegations contained in Paragraph No. 3 of the Plaintiff's Petition, therefore they are denied.
4. Defendants admit that Defendant Davis was acting under the authority of Defendant R&R Express, Inc., at the time of the accident. The balance of the allegations contained in Paragraph No. 4 of the Plaintiff's Petition are denied.
5. Defendants are without sufficient information to either admit or deny the allegations contained in Paragraph No. 5 of the Plaintiff's Petition, therefore they are denied.

EXHIBIT

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AFFIRMATIVE DEFENSES

1. Defendants deny that they, their agents, servants or employees committed any act of negligence which caused or contributed to the Plaintiff's damages.
2. Plaintiff's claims may be barred or reduced by the doctrine of comparative fault.
3. Plaintiff's claims may be barred by the doctrine of unavoidable accident.
4. Plaintiff's claims may be barred by the doctrine of assumption of risk.
5. Plaintiff's complaint of injury and damage, if any, may be the result of pre-existing conditions, natural causes or causes not related to the accident in question.
6. Plaintiff's damage claims are limited by 12 O.S §3009.1.
7. Plaintiff's Petition fails to state a claim for relief or cause of action for negligent entrustment and negligent supervision in light of the stipulation reached in Response to Paragraph No. 4 of the Plaintiff's Petition.
8. These Defendants reserve the right to amend or modify their Answer upon the completion of discovery.

WHEREFORE, premises considered, these Defendants pray that they be dismissed from this cause of action with their costs and attorneys' fees expended herein and for any and all other relief as the Court may deem just and proper.

Respectfully submitted,



By

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CERTIFICATE OF SERVICE

I certify that on 27th day of July, 2020, the above was sent via U.S. Mail to the below counsel of record:

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Attorneys for Plaintiff



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